



**City of Seattle**  
Edward B. Murray, Mayor

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**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 3018165  
**Applicant Name:** Jay Janette  
**Address of Proposal:** 6105 Roosevelt Way Northeast

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a five-story congregate residence with 128 rooms and 2,000 sq. ft. of ground level retail. Existing structures are to be demolished. Project includes 1,000 cubic yards of grading. No parking is proposed.

The following approval is required:

**SEPA – Environmental Determination-** Chapter 23.05 Seattle Municipal Code

**SEPA DETERMINATION:** ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition or  
involving another agency with jurisdiction.

**BACKGROUND HISTORY**

A MUP Decision for the proposal was published March 16, 2015 and notice of the appeal occurred on April 6, 2015. Prior to the hearing, the Hearing Examiner issued an Order based on oral argument held on the pre-hearing motions and cross-motions. Having reviewed the filings and having heard oral argument from the parties, the Examiner denied the applicant's motion to dismiss, grants the appellant's motion for summary judgment and denies the applicant's cross-motion for summary judgment. The Examiner reversed and remanded the MUP Decision to DPD to re-evaluate the impacts of the project's parking demand in light of the on-street supply

that will be left after SDOT removes parking along NE Roosevelt Way. The SEPA analysis below provides a re-evaluation of parking impacts.

## **BACKGROUND DATA**

### **Proposal**

The applicant proposes to design and construct a five-story congregate residence with 128 rooms and 2,000 sq. ft. of ground level retail. Existing structures to be demolished. Project includes 1,000 cubic yards of grading. No parking is proposed.

### **Site & Area Description**

The site comprises 10,541 square feet along the west side of Roosevelt Way Northeast midway between NE 62<sup>nd</sup> Street and NE Ravenna Boulevard. The terrain's slight four foot declension of begins at it high point on the north and slopes toward the south property line. The rectangular shaped site contains a shuttered former pet fish supply and aquarium equipment business. The property has no environmental critical areas.

The property possesses a Neighborhood Commercial Two with a 40 foot height limit (NC2 40) zoning classification. The NC zoning flanks the Roosevelt corridor. A multifamily Lowrise One (LR1) zone lies immediately to the west and a Single Family 5000 (SF 5000) zone is further east of Roosevelt Way.

Small commercial businesses line this portion of the Roosevelt corridor Ave including such establishments as Salvatore's restaurant, the former Dakota Art Store and Definitive Audio. Larger businesses such as Whole Foods, Dania and Bartell Drugs occupy the former Sears building nearby. New mixed use construction has begun to occur in the area particularly close to the Roosevelt and NE 65<sup>th</sup> St. intersection in anticipation of the future light rail station.

A recently constructed (2009) three-story live/work building lies directly to the south of the development site. To the north sits a two-story, 1960s era apartment building. Single family houses line Ninth Avenue NE and NE 62<sup>nd</sup> St. to the west and northwest.

### **Public Comment:**

DPD received numerous comment letters. The letters addressed the lack of on-street parking in the neighborhood, density, the size of the proposal and the proposal's potential to block access to natural light.

Between the Hearing Examiner's Order and the publication of this MUP Decision, DPD received several more letters opposing the project and requesting a reconsideration of the parking impacts.

## **ANALYSIS - SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and annotated by the Land Use Planner. The information in

the checklist, the supplemental information submitted by the applicant and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, “Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation” subject to some limitations. Under such limitations/circumstances (SMC 25.05.665) mitigation can be considered.

### Short-term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, a small increase in traffic and parking impacts due to construction workers’ vehicles, and increases in greenhouse gas emissions. Existing City codes and ordinances applicable to the project such as: The Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code, would mitigate several excavation-related impacts.

Following is an analysis of the air, water quality, streets, grading, parking, and construction-related noise impacts as well as mitigation.

### Air Quality

Excavation and construction activities are expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). No unusual circumstances exist, which warrant additional mitigation, per the SEPA Overview Policy.

Should asbestos be identified on the site, it must be removed in accordance with the Puget Sound Clean Air Agency (PSCAA) and City requirements. PSCAA regulations require control of fugitive dust to protect air quality and require permits for removal of asbestos during demolition.

### Noise

Noise associated with construction of the mixed use building and future phases could adversely affect surrounding uses in the area, which include residential and commercial uses. Surrounding uses are likely to be adversely impacted by noise throughout the duration of construction activities. Although there is adjacency to residential uses, the Noise Ordinance is found to be adequate to mitigate the potential noise impacts.

### Grading

Excavation will consist of approximately 1,000 cubic yards of material. The soil removed will not be reused on the site and will need to be disposed off-site by trucks. City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed enroute to or from a site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

### Construction Impacts

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

### Traffic and Parking

The construction of the project also will have adverse impacts on both vehicular and pedestrian traffic in the vicinity of the project site. During construction, a temporary increase in traffic volumes to the site will occur, due to travel to the site by excavation workers and the transport of construction materials. Approximately 1,000 cubic yards of soil are expected to be excavated from the project site. The soil removed for excavation will not be reused on the site and will need to be disposed off-site. Excavation and fill activity will require approximately 100 round trips with 10-yard hauling trucks or 50 round trips with 20-yard hauling trucks. Considering the large volumes of truck trips anticipated during construction, it is reasonable that truck traffic avoid the afternoon peak hours. Large (greater than two-axle) trucks will be prohibited from entering or exiting the site between 4:00 and 6:00 PM. Truck access to and from the site shall be documented in a construction traffic management plan submitted to DPD and SDOT. Compliance with Seattle's Street Use Ordinance is expected to mitigate any additional adverse impacts to traffic which would be generated during construction of this proposal. The Street Use Ordinance also includes regulations that mitigate dust, and mud. Temporary closure of sidewalks and/or traffic lane(s) would be adequately controlled with a street use permit through the Transportation Department, and no further SEPA conditioning would be needed.

### Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased height, bulk and scale on the site; increased traffic in the area; and increased demand for parking.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: The Stormwater, Grading and Drainage Control Code which requires on site collection of stormwater with provisions for controlled tightline release to an

approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. However, due to the size and location of this proposal, greenhouse gas emissions, height, bulk and scale, traffic, and parking impacts warrant further analysis.

### Height, Bulk and Scale

A zone change occurs at the alley dividing the subject site's Neighborhood Commercial with a 40 foot height limit zone from a multifamily Lowrise One zone to the west. The applicant proposes four residential levels above grade and a partial fifth floor comprising a mezzanine for several units facing west (and east). The bulk of the 13 foot height first level above grade extends to the rear property line at the alley. Above this height, the building sets back seven feet from the property line for the upper levels. Floor Level Three (the second floor above grade) has unit decks that sit above the 13' first floor on the west façade. Due to the alley's 16 foot width, the bulk of the proposed building sits 23 feet from two of the neighbor's rear property lines. The property fronting on to NE 62<sup>nd</sup> St. has its side property line parallel to the alley. The proposed building would sit 23 feet from this side property line.

The proposed building's height rises approximately 48 feet from average grade. This includes the clerestory windows at the upper floor's mezzanine level which are set back slightly from the larger mass which is seven feet from the property line. Stairs to the roof top extend above the 48 feet but sit farther back from the building setback. The adjacent zone (LR1) has a height limit of 30 feet. Single family houses currently occupy the properties across the alley to the west. These properties could potentially redevelop into taller multifamily housing. The land use code anticipates zone transitions by requiring an upper level setback. In circumstances, such as the presence of significant grade changes between one zone and the other, the SEPA ordinance provides a means to mitigate an imposing structure. While the proposed structure's height and bulk are significantly larger than the existing buildings on the site and will likely have an impact in terms of light and shadow on the neighbors across the alley, the combined 16 foot alley, the relatively flat site and the seven foot setback of the building mass off-set the most onerous impacts. While impacts are adverse, they are not expected to be significant to warrant further conditioning.

### Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

### Historic Preservation

The existing buildings on the subject site were reviewed by the Department of Neighborhoods and determined that it is unlikely, due in part to a loss of integrity, that the existing structures would meet the standards for designation as an individual landmark.

### Traffic and Transportation

Transpo Group, the applicant's traffic and parking consultant, estimates that the 128 residential rooms and 2,000 sq. ft. of retail commercial would generate an average of 267 net new daily trips including 25 net new PM peak hour trips.

No SEPA mitigation of traffic impacts to the nearby intersections is warranted.

### Parking

A parking demand analysis conducted by the Transpo Group indicated that recent microhousing projects in Seattle have a vehicle ownership rate of 0.19 vehicles per unit. Similar to the proposed development, the nine microhousing projects from which these data were collected do not have on-site parking. Applying this vehicle ownership rate to the 128-unit proposal results in an estimated vehicle ownership of 25 vehicles. In addition, the proposed retail space is expected to generate a peak parking demand of three vehicles.

As no parking is being provided on-site, an on-street parking utilization study was conducted to determine the available on-street parking supply and parking demand within 800 feet of walking distance of the project site. During the peak weekday residential demand period, a total of 290 on-street spaces were identified. Current on-street parking demand at peak times is 183 vehicles, for a utilization rate of 63%.

The Seattle Department of Transportation's (SDOT) Roosevelt Paving & Safety Project will add a protected bike lane along the west side of Roosevelt Way NE between NE 65<sup>th</sup> Street and south of NE 40<sup>th</sup> Street, and remove existing on-street parking spaces. Currently, there is a preliminary plan to replace on-street parking in the vicinity of the Paving & Safety Project with new parking along side streets in the vicinity of Roosevelt Way NE. These right-of-way modifications are anticipated to be completed in Fall 2016. Installation of the bike lane would remove 31 parking spaces within the parking utilization study area, for a total parking supply of 259 spaces; the replacement parking could add 36 spaces, for a total parking supply of 295 spaces. Removal of 31 parking spaces with current on-street demand would result in a utilization rate of 71%; if parking were added on side streets consistent with the preliminary SDOT plan, the current utilization rate would be 62%.

As noted above, the proposed project is forecast to generate a peak parking demand of 28 vehicles (this conservatively assumes that the parking peaks of the residential and the retail uses will occur at the same time). Adding this future demand to existing counts results in an expected demand of 211 vehicles. With a future on-street parking supply of 259 spaces (accounting for the removal of parking along Roosevelt), the parking utilization rate would be 81%. If replacement parking were added for a total of 295 spaces, the utilization rate would be 72%.

The Transpo parking analysis also considered on-street parking demand that may result from other development projects in the area. Four such projects were identified, between 400' and 1450' from the project site. Each project is expected to have spillover parking; the portion of this parking that would likely occur within the parking study area for 6105 Roosevelt is based on the distance between the projects. From these four projects, a total of 18 vehicles are forecast to add to future on-street parking demand within the parking study area. Adding this demand to the with-project totals noted above, future cumulative on-street parking demand is expected to be 229 vehicles. With a future on-street parking supply of 259 spaces, the parking utilization rate would be 88%; with an on-street supply of 295 spaces, the utilization rate would be 78%.

The Transpo analysis noted that two off-street parking lots are located within 800' of the project site. Between them, these lots provide 73 parking spaces. The parking survey counted only two vehicles in these lots during the evening hours when the project parking demand would peak.

The cumulative parking impact of the proposed development and other projects in the area would be to increase on-street parking demand. The future utilization rate would depend on the extent to which current on-street parking supply is replaced as the Roosevelt Paving & Safety Project is implemented. Based on current estimates of expected replacement parking, the future on-street parking utilization rate is expected to be between 78% and 88%. Vehicles searching for on-street parking in the study area could result in some additional circulation, particularly as the utilization rate approaches or exceeds 85%. On-street utilization may be somewhat reduced by the future availability of the Roosevelt light rail station, slightly over a quarter-mile north of the project site. Additionally, the project is proposing to provide bicycle amenities and information in the lobby of the building such as area transit options, car-to-go/car-share options, and on-demand bike share programs with the intent of reducing reliance on personal vehicles. However, when considered with other development in the vicinity of the project, this proposal may result in noticeable impacts to on-street parking availability. As this project is in an urban village within 1,320 feet of a street with frequent transit service, no SEPA authority is provided to mitigate the impacts of this development on parking availability, pursuant to SMC 25.05.675 M2b2c.

### **CONCLUSION - SEPA**

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are non-significant. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of DPD as the lead agency of the completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment with respect to transportation, circulation, and parking. An EIS limited in scope to this specific area of the environment was therefore required under RCW 43.21C.030(2)(C).

## **SEPA CONDITIONS**

### **During Construction**

1. Large (greater than two-axle) trucks will be prohibited from entering or exiting the site after 3:30 PM.

Compliance with all applicable conditions must be verified and approved by the Land Use Planner, Bruce Rips, (206-615-1392) at the specified development stage, as required by the Director's decision. The Land Use Planner shall determine whether the condition requires submission of additional documentation or field verification to assure that compliance has been achieved.

Signature: Betty Galarosa for Date: September 10, 2015  
Bruce Philip Rips, Land Use Planning Supervisor  
Department of Planning and Development

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## **IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT**

### **Master Use Permit Expiration and Issuance**

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered "approved for issuance". (If your decision is appealed, your permit will be considered "approved for issuance" on the fourth day following the City Hearing Examiner's decision.) Projects requiring a Council land use action shall be considered "approved for issuance" following the Council's decision.

The "approved for issuance" date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by DPD within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at [prc@seattle.gov](mailto:prc@seattle.gov) or to our message line at 206-684-8467.